

Congress of the United States
Washington, DC 20515

December 21, 2012

The Honorable Julius Genachowski
Chairman
The Federal Communications Commission
445 12th Street SW
Washington DC 20554

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FCC Mail Room

Dear Mr. Chairman:

I am writing to you with respect to the broadcast incentive auction that Congress authorized as part of the Middle Class Tax Relief and Job Creation Act of 2012. In particular, I am concerned about the Notice of Proposed Rulemaking you just announced that will establish procedures to repack broadcast television bands of frequencies and effectively relocate existing TV channels in Washington State to different channels. As you develop the rules for this process, we want to ensure that residents of Washington State will continue to receive their free local over the air broadcast television signals.

Channel assignments of television stations in markets across the northern border of the United States must be carefully coordinated with Canadian stations to ensure that the public can view these signals without interference. The United States and Canada are bound by treaty obligations to coordinate with each other with respect to channel assignments to protect the television viewing public in each country. This means that when TV channels in Washington State are moved to clear a spectrum band for auction to cell phone companies, there will be fewer places to relocate them because the Canadians have rights to a number of the border channels.

There are 37 full power TV stations in Washington State. As many as 14 of these could have no place to be relocated when repacking occurs, meaning that they could be forced to cut power and lose viewers. Of the 17 full power stations in the Seattle/Tacoma market, as many as 10 could have no place to go. In Spokane, of the ten stations in that market, four of them could be forced to move and cut their power and their viewership. This could be harmful for the stations and the people who invest in them, but devastating to the hundreds of thousands of people that rely on free, over the air television.

We cannot ignore our treaty obligations; however, it would be patently unfair to force residents of Washington State – including our constituents – to lose access to the local broadcast television signals they currently receive for free.

In order to protect our constituents, it is incumbent upon the Federal Communications Commission to keep the public informed of its plans and activities as openly and transparently as possible. We therefore request that the commission commit itself to a transparent process, promptly disclosing, on an on-going basis, all the information it has available with respect to any new bandplan it may adopt. Stakeholders need the opportunity to review and comment on this bandplan before it is finalized. Further, we also request that the commission promptly disclose, also on an on-going basis, the nature of contacts it or its staff may have with Canadian authorities in regards to repacking the broadcast television band in northern border markets, including the disclosure of a summary of the matters discussed. Lastly, we ask that you work closely with the Washington State Broadcasters Association and the National Association of Broadcasters as this process unfolds.

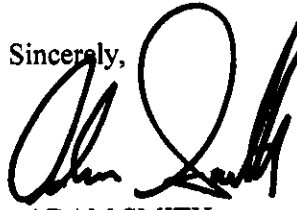
Freeing up frequencies for wireless broadband services is an important policy objective, which we supported. But that objective cannot – and should not – be achieved by depriving residents of

television markets along the northern U.S. border of access to the television signals that they have enjoyed for years for free. Depriving these citizens of access to local television programming would do them an enormous disservice and undermine the trust that Congress placed in the commission when it passed the statute earlier this year.

Thank you for your attention to this matter. We look forward to hearing from you before the Commission votes on this NPRM.

Sincerely,


JIM McDERMOTT
Member of Congress


ADAM SMITH
Member of Congress


NORM DICKS
Member of Congress



FEDERAL COMMUNICATIONS COMMISSION

February 28, 2013

JULIUS GENACHOWSKI
CHAIRMAN

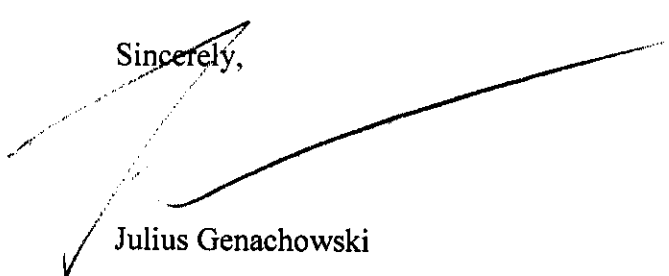
The Honorable Jim McDermott
U.S. House of Representatives
1035 Longworth House Office Building
Washington, D.C. 20515

Dear Congressman McDermott:

Thank you for your letter regarding the Commission's NPRM on incentive auctions. I appreciate your interest in this matter and am pleased to provide the enclosed letter on this issue from the Chief of the FCC's Incentive Auction Task Force.

If you have any additional questions or need any further assistance, please do not hesitate to contact me.

Sincerely,



Julius Genachowski

Enclosure



Federal Communications Commission
Washington, D.C. 20554

February 27, 2013

The Honorable Jim McDermott
U.S. House of Representatives
1035 Longworth House Office Building
Washington, D.C. 20515

Dear Congressman McDermott:

Thank you for your letter regarding the impacts that the incentive auction could have on the availability of free, local, over-the-air broadcast television for the residents of Washington State. I wish to assure you that the Commission is keenly aware of the importance of over-the-air stations to viewers that rely on them and is committed to providing such stations the full protections granted by Congress in the Middle Class Tax Relief and Job Creation Act of 2012 (Spectrum Act).

As required by the Spectrum Act, station participation in the incentive auction is completely voluntary and no stations will be forced to participate. Stations that do not participate, or participate and do not submit winning bids, will stay on the air and either remain on their present channels or be repacked in the same band. All remaining stations, including any affected station you reference in your letter, must and will be repacked in such a way as to preserve their respective coverage areas and populations served, as required by the Spectrum Act. In addition, the Commission is carefully negotiating with its counterpart in Canada to ensure that we are able to both protect domestic broadcasters and reclaim an optimal amount of spectrum for flexible use. The United States has had a long and successful history of close cooperation with Canada regarding the use of radio spectrum along the border and we expect that this cooperation will continue through the incentive auction process.

The Commission is dedicated to conducting an open and transparent process and has worked to make as much information as possible available to the public. These information-sharing efforts have included numerous meetings, public presentations, forums, and the launch of a new Broadcaster LEARN Program website (fcc.gov/learn), which is designed to inform broadcasters about the details of the incentive auction and empower those broadcasters to participate in the rulemaking process.

We have met with interested parties, including several times with the National Association of Broadcasters, had numerous other communications with their representatives and individual broadcasters, and intend to continue an open discourse with all parties throughout the duration of the process.

In our Notice of Proposed Rulemaking, the Commission solicited comment from the public and any interested party on the design and implementation of the incentive auction,

including with respect to band plans repacking methodologies, and how to best address potential cross-border interference issues with Canada. We received the initial responses to this solicitation on January 25th and are awaiting further comments on March 12th. Also, as is typical with Commission auction proceedings, we anticipate issuing further public notices that will provide additional opportunities for interested parties to comment on incentive auction issues. We will consider these and other critical inputs carefully as we formulate rules for the incentive auction.

The Commission will continue to work towards designing and implementing the best possible incentive auction, while closely adhering to Congress's statutory direction with respect to broadcasters and their viewers. We will also continue to promote openness and transparency in our proceedings and actively solicit input from the broadcast community and the public at large. Through these efforts we will be able to conduct a successful auction that serves the interests of broadcasters, mobile broadband providers, other stakeholders, and the American people, alike.

I appreciate your interest in this important matter. Please do not hesitate to contact me if you should require further assistance. We will place a copy of your inquiry and our response in the Commission's incentive auction docket.

Sincerely,

A handwritten signature in black ink, appearing to read "Gary M. Epstein", written in a cursive style.

Gary M. Epstein
Chair
Incentive Auction Task Force



FEDERAL COMMUNICATIONS COMMISSION

February 28, 2013

JULIUS GENACHOWSKI
CHAIRMAN

The Honorable Adam Smith
U.S. House of Representatives
503 Cannon House Office Building
Washington, D.C. 20515

Dear Congressman Smith:

Thank you for your letter regarding the Commission's NPRM on incentive auctions. I appreciate your interest in this matter and am pleased to provide the enclosed letter on this issue from the Chief of the FCC's Incentive Auction Task Force.

If you have any additional questions or need any further assistance, please do not hesitate to contact me.

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Julius Genachowski

Enclosure



Federal Communications Commission
Washington, D.C. 20554

February 27, 2013

The Honorable Adam Smith
U.S. House of Representatives
2264 Rayburn House Office Building
Washington, D.C. 20515

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Gary M. Epstein
Chair
Incentive Auction Task Force